

REMARKS

The Office Action mailed October 18, 2007 has been reviewed and its contents carefully considered. Reconsideration and withdrawal of the outstanding rejections are respectfully requested in view of the foregoing amendments and the following remarks.

Initially, Applicant is confused by the Examiner's notation regarding the foreign priority claim, and specifically to the claim filed on April 19, 2007. On April 19, 2007, Applicant submitted filed a response to the Notification of Missing Requirements, which filing included: Executed Declaration, Executed Assignment with Recordation Form Cover Sheet, and Supplemental Application Data Sheet. The priority claim for the subject invention, however, was first made in the USPTO by virtue of the claim being included in the Application Data Sheet (ADS) filed with the 371 Request for this application, on April 3, 2006 (see Notification of Missing Requirements mailed from USPTO on February 20, 2007).

Turning next to the rejections under 35 U.S.C. §112, second paragraph, for indefiniteness, without conceding the propriety of these rejections, claims 1 and 2 have been amended to improve their form. The words "preferably" and "or the like" have been removed. With regard to the placed-on conveyor, the claim has been amended to recite that it is the intermediate conveyor that is adapted to be placed on the transport organ. This phrase describes an overlapping relationship as can be seen in FIG. 1 where the intermediate conveyor 3 overlaps an end of the transport organ in the conveyor 2. It will be appreciated by one skilled in the art that as described in the specification on page 2, particularly the first sentence of paragraph [0003], and the sentence in paragraph [0004] beginning with the word "conventional," the placing on of the intermediate conveyor and the overlap cause a "step" which can hinder the flow of the items being conveyed. Accordingly, it is respectfully

submitted that the amended claims are fully definite and withdrawal of the indefiniteness rejection is respectfully requested.

Claims 1-15 were rejected as being anticipated by Thogersen, and claims 3-5 were rejected as being unpatentable over Thogersen in view of Voldby. These rejections are respectfully traversed.

Thogersen depicts an essentially unitary structure having first conveyor 10, second conveyor frame 20, which can pivot. A platform 7 is disposed in between the two conveyors. Therefore, it is respectfully submitted that neither of the conveyors 10 or 20 in Thogersen can be said to be “placed on” the other. To the contrary, they are laterally spaced apart from each other. Moreover, there is no overlap. In addition, this arrangement, which does not have the placed-on characteristic, also does not form a step. Thus, it does not teach or suggest a deflection of part of a conveyor in order to accommodate the step.

To the contrary, it is respectfully submitted that Thogersen does not disclose or suggest the recited deflection. It appears that the Examiner is of the opinion that the simple pivoting of the entire conveyor 20 in Thogersen corresponds to deflection. However, changing the angle of the entire conveyor is not what is being recited by deflection in the present claims. For example, in paragraph [0028], the specification describes “a raising means whereby a local deflection of the respective section of the conveyor belt 23 present on the transport side 24 is established in the area present in the direction of loading-conveying in front of the intermediate conveying means.” This is an example of the type of deflection that is being recited in claim 1.

It is also noted that dependent claim 2 further recites that the transport organ has a conveyor belt with a section that is deflected relative to the remainder of the conveyor belt. Thus, claim 2 is believed to even further distinguish from Thogersen. Full, separate and independent consideration of claim 2 is requested.

Turning to Voldby, Voldby is not understood by Applicant to show any one conveyor being placed on another. The Office Action is understood merely to rely on Voldby for allegedly disclosing "a bow that extends underneath a conveyor belt." It is unclear to Applicant exactly what structure in Voldby is being referred to in the Office Action as corresponding to any particular claimed element, in that the Office Action has not identified by name and reference number the exact part of Voldby being relied upon. In any event, since Voldby also does not teach or suggest the claimed "placed on" arrangement, it is respectfully submitted that there is no motivation in either references to combine them, nor is there any motivation from Voldby that would lead one to deflect a conveyor using a bow to accommodate a placed on arrangement as recited in the pertinent claims.

In view of the foregoing, reconsideration and allowance of the application are believed in order and such action is earnestly solicited. Should the Examiner believe that a telephone conference would be helpful in expediting prosecution of the application; the Examiner is invited to telephone the undersigned at 202-861-1696.

In the event this paper is not timely filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to our Docket No. 77191.22000.

Respectfully submitted,

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